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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,324	05/25/2001	Yufeng Xu	13705ROUS01U	2309
626	7590	09/08/2004	EXAMINER	
NORTEL NETWORKS LIMITED P. O. BOX 3511, STATION C OTTAWA, ON K1Y 4H7 CANADA			AHN, SAM K	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/864,324	Applicant(s) XU, YUFENG	
	Examiner Sam K. Ahn	Art Unit 2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>052501</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said first signal" in line 9. There is insufficient antecedent basis for this limitation in the claim, wherein claims 2 and 3 directly or indirectly depend on claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Buchwald (USP 5,757,857).

Regarding claims 1 and 4, AAPA discloses a method and a device for determining an optimized decision threshold for a high speed, high rate data regenerator (see Fig.1A), comprising: a first comparator and a first retiming circuit (11,12) for comparing a recovered data signal (16) with a preset threshold (RefM) and providing

a pseudo-data signal representative of said recovered data signal, a second comparator and a second retiming circuit (14,18) for comparing said recovered data signal with said optimized decision threshold (RefD) and providing a regenerated data signal. (note p.5-7) AAPA further teaches providing said optimized decision threshold (RefD) and monitoring said DC component to provide said optimized decision threshold. However, AAPA does not teach a low pass filter for separating a DC component from a first signal and using said DC component to provide said optimized decision threshold.

Buchwald teaches regeneration circuit (see Fig.3) comprising a low pass filter (58) receiving an error signal (output of 84) for separating a DC component and providing the output to a VCO for timing correction. (note col.3, line 48 – col.4, line 14) Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify AAPA's teaching by inserting the low pass filter, taught by Buchwald, and receiving AAPA's 44 and 45 error signals, thus improving AAPA's system by filtering the error values of in the vicinity of "logical 0 or 1" is further processed as a DC value and increasing accuracy of the regeneration of the recovered data signal.

Allowable Subject Matter

3. Claims 2-3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
4. The following is a statement of reasons for the indication of allowable subject matter:
Present application discloses a decoder for a high speed, high bit error rate data signal wherein the decoder comprises a first and second comparator and retiming circuit wherein a lowpass filter is coupled to the first comparator and retiming circuit and provide a DC component. A performance monitor receives the DC component to calculate an optimized decision threshold for the first comparator and retiming circuit. AAPA in view of Buchwald teach all subject matter claimed, as explained above. However, prior art does not teach wherein said preset threshold varies linearly from a high value to a low value to provide said DC component as a representative of the eye of said pseudo-data signal.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mullner et al. Teach data generator comprising a variable decision threshold for optimal sampling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Sam Ahn** whose telephone number is **(571) 272-3044**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jay Patel**, can be reached at **(571) 272-2988**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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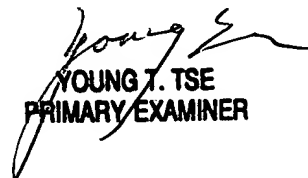
or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Sam K. Ahn
9/6/04


YOUNG T. TSE
PRIMARY EXAMINER